

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	
	§	
HOLY LAND FOUNDATION FOR	§	
RELIEF AND DEVELOPMENT (1)	§	
also known as the "HLF"	§	NO. 3:04-CR-240-P
SHUKRI ABU BAKER (2)	§	
MOHAMMAD EL-MEZAIN (3)	§	
GHASSAN ELASHI (4)	§	
MUFID ABDULQADER (7)	§	
ABDULRAHMAN ODEH (8)	§	

DEFENDANTS' JOINT MOTION IN LIMINE TO EXCLUDE
EVIDENCE FROM TRIAL

Defendants, SHUKRI ABU BAKER, MOHAMMAD EL-MEZAIN, GHASSAN ELASHI, MUFID ABDULQADER and ABDULRAHMAN ODEH, through their undersigned counsel, respectfully move the Court in limine under FED. R. EVID. 401, 402, 403, 404(b), 801(d)(2)(E), 802, 901, 1001 and 1002, the Fifth Amendment Due Process Clause, and the Sixth Amendment Confrontation Clause for an Order excluding from trial the evidence listed in these previously filed and renewed motions: ¹

1. Defendants' Joint Request for James Hearing, Motion in Limine to Exclude Alleged Co-Conspirator Statements Not Meeting the Requirements of Fed. R. Evid. 801(d)(2)(E), and Memorandum in Support (Dkt. 579, filed 3/14/07). Denied. (Status Conference 6/28/07).

¹ Although the defendants included each of these motions in their Notice and Renewal of Previous Motions, Dkt. 1036, filed 5/30/08, we raise them again here in response to the Court's deadline for *in limine* motions.

2. Defendants' Joint Motion in Limine to Exclude Evidence from Trial, and Memorandum in Support (Dkt. 583, filed 3/14/07) and amended reply (Dkt. 601, filed 3/29/07). Denied without prejudice to raising specific objections at trial (Status Conference 6/28/07).
3. Defendants' Joint Motion and Memorandum in Limine Regarding Issues Arising Under the Religious Freedom Restoration Act and the First Amendment, and Request for Evidentiary Hearing as Necessary (Dkt. 584, filed 3/14/07) and reply (Dkt. 611, filed 4/02/07). Denied (Dkt. 708, filed 7/11/07).
4. Defendants' Joint Motion in Limine to Exclude Evidence of the Indictments and Convictions of Third-Parties (Dkt. 702, filed 7/5/07). Denied (Minute Entry 7/24/07).
5. Defendants' Joint Motion to Strike Alleged Co-Conspirator Statements and Associated Testimony (Dkt. 815, filed 8/30/07). Denied (ruled from bench, 9/4/07).

Wherefore, the defendants respectfully request the Court to exclude from this trial all of the items and issues contained in the aforementioned motions and memoranda.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I certify that counsel has previously discussed the relief requested in the motions referenced above with counsel for the government and the government is opposed to this relief.

/s/ Theresa M. Duncan
THERESA M. DUNCAN

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2008, I caused to be electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Theresa M. Duncan
THERESA M. DUNCAN